

Karen Schwinn
Associate Director, Water Division
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street (WTR-1)
San Francisco, CA 94105

Michael Jewell
Regulatory Division Chief
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814

Re: Bay Delta Conservation Plan EIR/EIS

The Department of Water Resources (DWR) is pleased to enclose, for your concurrence, the Draft Purpose and Need Statement for the Bay Delta Conservation Plan (BDCP) EIR/EIS. This version of the Purpose and Need for Chapter 2 of the BDCP EIR/EIS was reviewed and approved in October 2011 by the BDCP Federal lead agencies, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service and National Marine Fisheries Service. An earlier version of this section was provided to your agencies and other agencies on November 11, 2011. As the lead state agency for the environmental review process and preparation of the EIR/EIS, DWR is providing this section of the environmental document to the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) consistent with the draft Memorandum of Understanding (MOU) for cooperating agencies and the Clean Water Act Section 404 Integration Process for BDCP Initial Projects.

Concurrence with the Draft Purpose and Need Statement by Federal Cooperating Agencies is identified as Checkpoint A in the draft MOU. This will be followed by concurrence on the definition of project alternatives to be evaluated in the EIR/EIS. DWR recognizes that this draft section of the environmental document may be revised as we move through the environmental process. Because your agencies have regulatory/resource responsibilities under the National Environmental Policy Act and Clean Water Act Section 404, USACE and EPA concurrence is needed on the Draft Purpose and Need Statement, and specifically on its general direction and content relevant to the Section 404 basic and overall project purpose.

Consistent with the draft MOU, DWR is requesting written concurrence with the enclosed Purpose and Need Statement within 30 days of receipt of this letter. If written concurrence or non-concurrence is not received within the specified timeframe as state lead agency DWR will initiate mid-level elevation consistent with the draft MOU Checkpoint review process.

We appreciate your timely response to this request. If you have any questions or comments please feel free to contact me at (916) 653-8045, or Cassandra Enos at (916) 651-2987.

Sincerely,

Dale Hoffman-Floerke
Deputy Director, Delta and Statewide Water Management